

HIGHER COURT TO REVIEW CASE.

Writ Issued by Judge Stewart in
Accordance with Petition of
Jesse C. Little.

FURTHER ACTION IS STOPPED.

Case is One in Which Judgment Was
Entered by Default in Judge
Tanner's Court.

Jesse C. Little today filed a petition
in the district court for a writ of
review directed against A. C. McLean
and Judge H. S. Tanner of the city
court, in which it is asked that the
proceedings taken in the city court in
the case of A. C. McLean against the
petitioner herein be reviewed by the
higher court and that the lower court be
restrained from taking further action in
the supplementary proceedings in the
case.

The petition alleges that the com-
plaint was filed against petitioner in
Justice Crocker's court on Oct. 7, 1901,
and was brought to recover \$40 and in-
terest on a promissory note dated June
8, 1897, less the sum of \$40 which was
paid on the same. Petitioner allowed the
case to go by default and default
judgment was rendered against him on
Nov. 4, for \$44.56 and costs amounting
to \$4.00. Mr. Little was unaware that
judgment for such an amount as the
above had been rendered against him
until he was cited to appear before
Judge Tanner on Aug. 10, 1903, for ex-
amination on supplementary proceed-
ings. He filed a motion to quash the
citation and to set aside the judgment
in excess of the amount named in the
summons, but the court denied the mo-
tion. He asks, therefore, that the pro-
ceedings in the case be reviewed by
the higher court. A writ of review was
accordingly issued by Judge Stewart.

JURORS DRAWN.

Those Who Will Serve in Criminal and
Civil Divisions of District Court.

On Saturday County Clerk James
County Attorney Westervelt and County
Treasurer Carls made a drawing
of 70 jurors to serve in the criminal
and civil divisions of the district court
during the term which commences on Mon-
day, Sept. 14. Venues have been is-
sued for the jurors returnable on that
date. Those who will serve in the
criminal division are:

C. A. P. Orlow, George Edgar, John
H. Berryman, Clifford J. Crabtree, David
P. Kingsbury, Elmer Case, Louis R.
Wells, T. O. Angell, Robt. T. McEwan,
James D. Coon, Jr., F. W. Beveridge, Owen
H. Hardman, C. W. Smith, George E.
Forrester, Willis H. Booth, Jr., Hyrum
S. Patterson, William M. Walker, Al-
bert Heitz, Charles H. Dowse, Albert
W. Midgley, R. T. Arnold, Wm. D. Frank-
ney, Samuel H. Worthen, J. O. Petersen,
David S. Anderson, James P. Ol-
sen, H. H. Forbush, John Gordon, Al-
bert E. Atkins, Bon H. Fletcher, Chas.
J. E. Gulbransen, J. C. Kelly, George
D. Schuler, John R. Wallace, C. W.
Rhodes.

Those drawn for the civil division are:
Joseph H. Hume, H. V. Ballard,
S. B. Westervelt, S. C. Budd, G. H.
Farling, Andrew E. Beveridge, Owen
H. Hardman, L. B. Hills, W. H. Smoot,
Thomas A. Callister, Glen Miller, David
Mackay, Louis H. Hume, Isaac Maxwell,
David Evans, Joseph E. Jensen, Frank
H. O'Brien, Ernest O. Hume, Henry
Halter, Robert Budge, Jr., Rodney Hil-
lam, Sr., Thomas Foreman, Grant
Hampson, John M. Knight, John Holt,
Thomas E. Marriott, John Thomas Pow-
ell, Louis Simon, Fred G. Heath, Alex-
ander Lyon, Peter Adamson, E. E.
Hart, George Curley, Edward McCar-
rick, Alexander Rogers, Jr.

Suit for Partition.

George A. Smith, in his own behalf
and as executor of the estate of Mar-
tine M. Barrow, deceased, today filed
suit in the district court against Mary
Watson and Mary E. Silver for a par-
tition of a part of lot 5, block 16, plat
A, Salt Lake City survey, which is
owned jointly by plaintiffs and defend-
ants. In case a partition cannot be
made without injury to the rights of
all parties, it is asked that the property
be sold and the proceeds be distributed
among plaintiffs and defendants ac-
cording to their respective interests.

DIVORCE GALORE.

Month Has Been a Record Breaker in
This Particular.

All previous records of divorce cases
filed in the district court for one month
have been beaten during this month.
Up to 2:30 o'clock this afternoon there
had been 32 of such cases filed, which
is more than double the number filed
during the month of August last year,
showing only 16, and nearly double
the number filed in August, 1901, there
being 17 filed that month. Last month
there were 25 divorce cases filed and
in May of this year there were 26. During
this month there have been a total of
16 cases filed in the district court and
32 of them are divorce cases. Thirteen
out of the total number of cases filed
were charity cases which the county
resisted on filing fees at all.

So far this year there have been a
total of 541 cases filed and 135 of them
are divorce cases. Out of the total
filed for the year 52 were charity cases.

COURT NOTES.

on tomorrow morning at 10 o'clock
Judge Stewart will make a setting of
jury cases for trial in the civil division
of the district court, the trials to begin
on Monday, Sept. 14.

Frances B. Worthen today filed suit
for divorce in the district court against
Samuel H. Worthen on the ground of
failure to provide when the parties
were living together. The suit was
filed on Monday, Sept. 14.

HE STOLE TOBACCO.

Burglar Put in a Supply at Bowring's
Grocery Store.

Bowring's grocery store at 23 west
First South street, was broken into yes-
terday morning about 3 o'clock by a

Schilling's Best bring-in a
new era in trade. So far as
they go, the grocer's business
is perfectly easy and perfectly
safe. Uniform price and qual-
ity make it easy, and money-
back makes it safe.

IRVINE SUCCEEDS HAY.

Pioneer Resident of Wyoming Appointed
State Treasurer by the Governor.

(Special to the "News.")
Cheyenne, Wyo., Aug. 31.—Gov. Chat-
terton has appointed Hon. W. C. Irvine
state treasurer to succeed Henry G.
Hay, who gave notice of his resignation
some time ago. Mr. Hay is now in New
York and was given time in which to
make up his mind whether he would re-
main in the east permanently, or return
to Wyoming. His resignation will now
be handed in, to take effect immediately.

The new state treasurer is the present
manager of the Letter Carriers' Union
in Wyoming. He is a pioneer resident of
the state and one of its best known
business men. Gov. Chatterton could
not have made a better selection.

GOLD COIN CLEAN-UP.

Idaho Mine Has Produced \$14,000 in
Gold in Past Two Months.

(Special to the "News.")
Weiler, Ida., Aug. 31.—Ed Ford, su-
perintendent of the Gold Coin Mining
company, operating in Black Lake dis-
trict has arrived in this city with \$5-
000, a clean-up of 10 days' run with
cyanide plant. This is the third clean-
up made within the past two months.
The mine has produced \$14,000. The Gold
Coin is owned by Lacrosse, Wisconsin,
capitalists.

KOLITZ EXCURSION.

Sunday, September 6th.

To Ogden via Oregon Short Line.
Round trip only \$1.00. Special train
9:30 a. m. Leaves Ogden 9:00
p. m. Bicycles carried free.

LATE LOCALS.

Colonel and Mrs. Holmes when last
heard from were in the land of the
midnight sun, northern Norway.

The local colored people are making
extended preparations for the pro-
clamation of Emancipation day, which
comes Sept. 22.

The city council will return from the
great northwest and their 10 days' tour
returning over the Oregon Short Line at 8:30
tomorrow morning. It is understood
that the regular council meeting will
occur tomorrow evening in conse-
quence.

Dr. F. H. Clawson has returned from
the lake house at City Creek canyon.
He says that the boys saw three bears
all right, but after he got there the bears
had disappeared. The bears have been
seen considerable trouble to the sheep-
herders in the vicinity.

Orvin Morris, chief clerk of the gen-
eral freight department, Oregon Short
Line, this morning showed up to work
with a broad smile under his counte-
nance and a box of cigars under his
arm. Little Miss Morris reports all well.
She made her debut at the family res-
idence on Saturday.

O. F. Davis, the genial chief clerk
at the United States land office, is back
at his desk after an extended trip to
San Francisco and Los Angeles and
Portland. He says that the G. A. R. vet-
erans were royally treated on the coast
and the half has not been told re-
garding the hospitality of the Californ-
ians.

Mrs. Margaret E. Wing wife of
Charles A. Wing of Eureka, passed
away at the City Creek hospital
yesterday as a result of appendicitis.
The deceased was the daughter of Wm.
G. and Emma J. Hague Hickman, and
was a native of Utah, having been born
in this city. The remains will be
shipped home for burial, the fu-
neral takes place in Eureka at 2 o'clock
tomorrow afternoon.

On and after tomorrow the street
cars running to the Short Line depot
will continue on to Fifth north, thus
giving the pupils of the High school a
service that will be much appreciated.
These cars will run every 15 minutes
as before but will start from East Tem-
ple street five minutes earlier than
usual. The Jordan Bridge car, instead
of stopping at First South as at present,
will now stop at Second South and
run down that street to the Short
Line depot.

Veterinary LeMay of Fort Douglas,
who is an expert in horse flesh, was
recently sent down to Green River,
Utah, to look into the current reports
of a disease prevailing among horses
supposed to be glanders. The veteri-
nary has reported to Secy. Beatty of
the state board of health that the dis-
ease is correct, and a number of the
infected animals have been killed, and
the surroundings are being thoroughly
disinfected. The trouble had become
epidemic before it was realized just
what the difficulty was.

Catarrh

Invites Consumption

It weakens the delicate lung tissues,
deranges the digestive organs, and
breaks down the general health.

It often causes headache and dizziness,
impairs the taste, smell and
hearing, and affects the voice.

Being a constitutional disease it re-
quires a constitutional remedy.

Hood's Sarsaparilla

Radically and permanently cures cat-
tarrh of the nose, throat, stomach,
bowels, and more delicate organs.

Read the testimonials.

No substitute for Hood's acts like
Hood's. Be sure to get Hood's.

"I was troubled with catarrh 20 years.
Seeing statements of cures by Hood's
Sarsaparilla resolved to try it. Four bottles
entirely cured me." WILLIAM SHERMAN,
1050 6th St., Milwaukee, Wis.

Hood's Sarsaparilla promises to
cure and keeps the promise.

MEDICOS MEET HERE TOMORROW.

Rocky Mountain Interstate Medi-
cal Association to Hold a
Two Days' Session.

IN CITY AND COUNTY BUILDING.

Program Includes Discussion of Sub-
jects of Much Interest to the
Profession.

The fifth annual session of the Rocky
Mountain Interstate Medical association
will convene tomorrow morning at 10 o'clock
in the city council chamber at the joint
building, with prominent physicians and
surgeons from several states in attend-
ance. Following is the program to be
observed during the two days' session:

TUESDAY MORNING.

9 a. m.—Call to order by the president,
Dr. C. H. Soller, Evanston, Wyo.
Invocation—Rev. T. W. Pinkerton, Salt
Lake.

Address of welcome—Hon. Heber M.
Wells, Governor of Utah.

Address of welcome on behalf of local
profession—Dr. A. C. Ewing, president
Salt Lake County Medical society.

Reading of minutes by secretary.

Annual report of officers and standing
committees.

Annual special committee reports.

Paper, "The Influence of the Medical
Profession on the Public Health," by
Dr. H. D. Soller, Salt Lake.

Paper, "Scars of the Right Internal
Nerve, Incident upon Forward Dislocation
of the Mandible of Three Years Stand-
ing," by Dr. H. D. Soller, Salt Lake.

Paper, "Intubation and Intubation
Instrument," by Dr. F. E. Vasham, Denver.

Paper, "The Surgery of Sympathetic
Trophy," by Dr. H. D. Soller, Salt Lake.

Paper, "Preliminary report of exsection
of the superior and middle cerebral gan-
glion in five cases of epilepsy," Dr. S. D.
Hodkins, Denver.

Discussion.

Afternoon session.

Symposium on Syphilis-propylaxis—Dr.
Donald Campbell, Butte.

Modes of Infection—Dr. Harvey Reed,
Portland, Ore.

Diagnosis of Initial Lesion—Dr. G. P.
Johnston, Cheyenne.

Study of the Blood—Dr. Henry B. Mc-
Graw, Denver.

Cutaneous Manifestations—Dr. Heburn,
U. S. A.

The Brain—Dr. H. W. Work, Pueblo.

The Spinal Cord and Nerves—Dr. Ed
Delahanty, Denver.

Paper, "The Case of Edward Jackson, Denver,
The Viscera—Dr. J. N. Hall, Denver.

Inherited Syphilis—Dr. Sol G. Kalm,
Leadville.

Prognosis—Dr. A. C. Ewing, Salt Lake.

Treatment—Dr. R. W. Fisher.

Discussion.

3:30 p. m.—Banquet at the Commercial
club.

WEDNESDAY MORNING.

10 a. m.—Relation of Orthopedics and
X-Ray—Dr. B. C. Leavitt, Denver.

Treatment of Tuberculosis of the Lungs
by Antiseptic Anesthetic Method—Dr.
E. P. Morshy, Denver.

Discussion.

Unilateral Hematuria from Chronic
Nephritis Decapsulation of Kidney, Re-
covery—Dr. Leonard Freeman, Denver.

Treatment of Acute Otitis Media—Dr.
Robert Levy, Denver.

Discussion.

Report of a case of perineal prostaticom-
y—Dr. J. B. Herkins, Denver.

Discussion.

Operative Measures for Relief of Pyloric
Obstruction—Dr. Aug. C. Behle, Salt
Lake.

Discussion.

Penetrating Wounds of the Eye—Dr.
Henry H. Moore, Salt Lake.

Monday, 5 p. m.—Organ recital, Taber-
nacle.

Wednesday afternoon, trip to Saltair.

FIRE AT RAWLINS.

Wyoming Town Visited by a Disastrous
Conflagration This Afternoon.

(Special to the "News.")
Rawlins, Wyo., Aug. 31.—This place
was visited by a conflagration at 1:30
this afternoon. The Bank Exchange
building, the hotel, the saloon, establish-
ment and the Candlish restaurant were
destroyed.

Amusements.

The engagement of "The Friend of
the Family," at the Theater, opens next
Saturday afternoon. Only two per-
formances are to be given.

The opera "Cinderella," sometimes
known as "A Dress Rehearsal," is to be
put on at the Salt Lake Theater soon
under the direction of Mrs. Martha
Hoyle King. The opera was produced
in Salt Lake about ten years ago by
Mrs. King and made a tremendous hit.
This time merely the skeleton of the
piece, and some of the prettiest songs,
are to be retained. New lines with
local application are being written in
and a number of new songs, some of them
local, will be interpolated.

The list of participants includes Miss
Olive Jennings, Miss Edna Dwyer, Miss
Sigrid Pedersen, Miss Grimsel, Miss
Isabel Monahan, Mrs. Elizabeth H.
Coray, Mrs. John Reed, Miss Amy Pike
and Mrs. King. The chorus of thirty
voices has not been fully selected.

LEVAN POSTOFFICE.

Anthony M. Christensen is Appointed
Postmaster.

Washington, D. C., Aug. 31.—Anthony
M. Christensen has been appointed post-
master at Levan, Utah county, Utah,
vice Peter Thykensen, resigned.

PENSIONS.

Idaho: Pensions granted—Charles S.
Hawley, \$8.

Hawley, \$8; John P. Clough, \$6; John E.
Hubbard, \$12.

WIRELESS TELEGRAPHY.

Nearly All Delegates to Recent
Congress Favored Gov't Control.

Berlin, Aug. 31.—A technical paper
published in this city says it learns that
the delegates to nearly all the countries
which participated in the recent inter-
national congress of wireless telegraphy
in this city whose sessions were held in
favored international control of wireless
telegraphy and advocated that no lend
station refuse to take a message, is com-
prehensible from any ship using a sys-
tem different from that of the company
owning the station.

SHAMROCK III HAS NO CHANCE

(Continued from page one.)

When the yacht straightened out on
the port tack headed for the mark Re-
liance seemed to have a lead of about
a mile and a half.

New York, Aug. 31.—The time limit
expired at 5:15 p. m. with Relevance half
mile from the finish line.

RAIR LEADS WRING.

When Rair learned that Shamrock
fared better in the heavy round swell
he led his rival close to the Long Island
shore, where Rair had better sailing
and continually passed her lead. Re-
liance has the better of the race, but
the Shamrock crew were pinched her-
self to windward on every puff and
clump of wind. The wind continued
to drop until it was blowing not more
than three or four miles an hour. Then
these conditions Shamrock rolled
considerably but Reliance's flat, broad
body kept her on her feet and conse-
quently moving. Within one mile of the
mark Reliance made two short hits to
catch the finish line, but the Shamrock
should be a race. When Reliance turned
the mark Shamrock was two miles
from that point.

4:05 p. m.—The wind has freshened
somewhat and there is a chance that
Reliance will finish within the time
limit.

THE LAST RACE.

An Autumnal Storm Had Dam-
pered Ardor of Spectators.

New York, Aug. 31.—An autumnal
storm which had kept Reliance and
Shamrock III for 48 hours within the
harbor, today seemed to have cleared
itself sufficiently this morning to
enable the two racers to venture once
more into the open sea for a continu-
ation of their races for the America's
cup. The gale, however, left as a
reminder of the very heavy swell
so that when the two boats with Sham-
rock in the lead turned the point of
Sandy Hook they at once began to roll
and wallow like a couple of coal barges.

LITTLE ATTRACTION FOR SPEC- TATORS.

The day had little attraction for spec-
tators for the dark clouds which still
hung low seemed to threaten rain at
any moment, while the uneasy ocean
had little to invite any except the
stoutest sailor.

The decision of the yacht owners to
start the race and terminate it as soon
as the service was accepted on all sides
as the interest in the races had been pre-
tended by the numerous delays. It was
not surprising, therefore, that the fleet
which followed the two racers was a
mere shadow of the previous con-
tests.

REPAIRING FOR RACE.

The yachts were accompanied to the
start by nearly half a dozen, a few
steam yachts and two or three ex-
cursion boats, so that the revenue cut-
ters which arrived on the scene a lit-
tle later had very little to do in keep-
ing the race about the ship's bow.
The Shamrock crew, who hoisted their
mainsails before leaving for the start
and were well out to the lightship
by 10 o'clock, an hour before the
line set for the contest. On reaching
the lightship they found that the wind
was about east northeast with a ve-
locity of about 10 miles. Both racers
dropped their two lines and broke out
their jibs. They stood off and on
about the lightship, trying the stretch
of the wind and sea, and then began set-
ting small club topsails. While this
work was going on the tug Navigator
arrived with the regatta committee and
stopped near the lightship, while the
two racers, who still had a clear
strength and the chances for starting
for the race from that point.

AMBASSADOR PORTER.

Is Elected a Member of the So-
ciety of the Cincinnati.

Paris, Aug. 31.—Ambassador Porter
has been elected an honorary member
of the Society of the Cincinnati.

Cushing Not Sent to a Retreat.

Louisville, Ky., Aug. 31.—Father John
H. Cushing, who has been in the city
since he fled from Denver that he had
been ordered to Gettysburg, and there
to remain practically a prisoner for life
because of his long fight upon Bishop
Matte's party, today has been sent
in retreat at the Trappist monastery for
a month or less by Archbishop Falcone
and immediately thereafter will return
to his diocese in Denver.

Rev. J. I. J. McConnell Dead.

Philadelphia, Aug. 31.—Rev. J. I. J.
McConnell, D.D., recording secretary of
the board of church relations of the
Methodist Episcopal church, died today
after a protracted illness.

Senator Hanna Better.

Cleveland, Ohio, Aug. 31.—Senator
Hanna was so much better today that
he sat up for several hours.

Prince Ferdinand Embarks.

Kustendji, Roumania, Aug. 31.—Prince
Ferdinand of Bulgaria, embarked here
at midnight on the Bulgarian gun-
boat, and sailed for Burgas, Bul-
garia.

Strikers Return to Work.

Philadelphia, Aug. 30.—Striking em-
ployees of the textile mills operated by
John & James Dobson, numbering 2,200,
today returned to work.

Prince Henry Goes to Kiel.

Berlin, Aug. 31.—A cabinet order just
issued assigns Admiral Prince Henry
Pruss to command the naval station
at Kiel. Admiral Knorr succeeds the
prince in command of the first active
squadron.

Luncheon at Oyster Bay.

Oyster Bay, L. I., Aug. 31.—At lunch-
ton today President Roosevelt had as
his guests John McChesney, the state
board commissioner of New York,
Henry Leinhardt, proprietor, and Ervin
Wardman, editor of the New York
Press. Dr. Albert Shaw, editor of the
Review of Reviews, and J. Lincoln
Steffens. Later the president expected
to receive A. J. Fleming, editor of the
Comet of Braymer, Mo., and James
Martin of the New York Tribune, who
desires to present Dr. Carlisle Martin,
of the Dundee Advertiser, Dundee, Scot-
land.

Cruisers Bound for Beirut.

Genoa, Aug. 31.—The United States
cruisers Brooklyn and San Francisco,
which sailed from Genoa yesterday
evening, are bound for Beirut and on
for Port Said, as previously called.
The Machian, previously called for Port
Said where she will coal.

ONLY \$1.00.

Ogden and Return.

Via Oregon Short Line, Sunday, Sept.
6th, Ogden will serve punch and candy
free on train. Special train 9:30 a. m.
Special returning.

Genoa, Aug. 31.—The United States
cruisers Brooklyn and San Francisco,
which sailed from Genoa yesterday
evening, are bound for Beirut and on
for Port Said, as previously called.
The Machian, previously called for Port
Said where she will coal.

BINGHAMITES AND SUNDAY SALOONS.

Miner Makes a Novel and Earnest
Plea for Sabbath Day Liquid
Refreshment Stand.

CALLS IT NECESSARY EVIL.

Thinks it is a Shame to Enforce the
Law Against the Man Who
Works in the Mines.

A communication was received today
by a county official from a well-known
resident of Bingham and Salt Lake
concerning the closing of saloons on
Sundays at that camp. The reasons ad-
vanced by the writer for keeping the
saloons open are rather interesting to
say the least, so the letter follows in
full:

LISTEN TO THIS.

"Dear Sir—Owing to my long res-
idence, experience, knowledge and fa-
miliarity with conditions that exist in
Bingham, the miners and prospectors
of that place have requested me to
speak with you regarding the hard-
ships and inconvenience which they
suffer, and are likely to suffer at your
hands by reason of the promulgation
issued out of your office to the effect
that their only resting place, of refuge
from the burning rays of the sun in
the summer time, and the extreme
cold in the winter time, the saloons,
must be closed on Sundays.

Now, you must not think that I am
taking the side against law and order;
I am taking the side against the miner
and the prospector, and I am taking
the side of the miner and the prospector
because it is considered a necessary
evil; there is no other way out of the
saloon and elsewhere on Sunday. But,
why condemn the first and condemn the
latter? It is the same law that covers
both; it is an inconsistency, and it is
an inconsistency that exists in Bingham
to keep open the poor man's hotel, the
workman's theater, and the prospector's
haven of rest. The reasons are manifold,
and should be considered as a humanitarian
act.

ONLY PLACE OF REST.

In the first place, Bingham is isolated
from the outside world, being situated
right in the heart of the high moun-
tains. Its inhabitants are exclus-
ively the forerunners of civilization,
who have blazed the paths and cut the
trails over these mountains;